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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,926	04/15/2004	Ty O. Ahmad-Taylor	CCCI 0130 PUS	9035
71/867 7590 12/02/2009 BANNER & WITCOFF, LTD ATTORNEYS FOR CLIENT NUMBER 007412 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
PENG, FRED H				
ART UNIT		PAPER NUMBER		
2426				
MAIL DATE		DELIVERY MODE		
12/02/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,926

Applicant(s)

AHMAD-TAYLOR, TY O.

Examiner

FRED PENG

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 7-14, 20, 24-36 and 39-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 7-14 and 41-55 is/are allowed.
- 6) ☒ Claim(s) 20, 24, 36, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 25-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 2, 7-14, 20, 24-36 and 39-55 are pending in this application.

Allowable Subject Matter

2. Claims 25-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 2, 7-14 and 41-55 appear to be allowable subject matters.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 20, 24, 36, 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Finseth et al (US 2009/0193458).

Regarding Claim 39, Finseth discloses an apparatus (FIG.3, 34) comprising:

a processor (74) configured to process program information and to cause display of an electronic programming guide (EPG) (FIG.4) comprising:

a celled grid having a first data set on a vertical axis (94) and a second data set on a horizontal axis (98), wherein cells at an intersection of the first data set and the second data set display an available program title (92; Grumpier Old Men); and

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a window (106) displaying information concerning a program title of a highlighted cell (Grumpier Old Men highlighted), the window located such that there are no non-highlighted cells between the highlighted cell and the window (Para 60-64; no non-highlighted cells between the highlighted cell Grumpier Old Men and the window 106).

Regarding Claim 20, Finseth further discloses the window displays only one program title from the grid (FIG.4; the window 106 displays only Grumpier Old Men from the grid).

Regarding Claim 24, Finseth discloses the window further includes an auxiliary menu, the auxiliary menu including a menu of options for the highlighted cell (FIG.4, 108).

Regarding Claim 36, Finseth further discloses the EPG including an advertisement relating to the highlighted cell (FIG.6, 114; Para 74-75).

Regarding Claim 40, Finseth further discloses the grid cells are capable of scrolling vertically and horizontally and wherein titles associated with the first data set move into an adjacent row when the cells scroll vertically and titles associated with the second data set move into an adjacent column when the cells scroll horizontally (Para 60-64).

Conclusion

6. Claims 25-35 are objected.
7. Claims 20, 24, 36, 39 and 40 are rejected.
8. Claims 2, 7-14 and 41-55 appear to be allowed.

Correspondence Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fhp

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

December 1, 2009